

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
October 12, 2004

The meeting was called to order at 6:30 p.m. by Mayor Dirksen.

Council Present: Mayor Dirksen, Councilors Moore, Sherwood, Wilson. Councilor Woodruff was excused.

- STUDY SESSION

- > UPDATE ON CITY HALL DAY

City Manager Bill Monahan explained the City Hall Day would be held October 14, at which time candidates for Representative and Senate are invited to discuss issues. The meeting will be taped for rebroadcast on cable television. The League of Oregon Cities is sponsoring this event throughout the State.

Assistant to the City Manager Liz Newton further explained the event gives an opportunity for elected officials to meet with candidates for the state house and senate to discuss issues. The League of Oregon Cities provided a list of potential issues. Staff will present information on water rights, property rights legislation, and telecommunication franchise and stable finances. The meeting begins at 7 p.m. in Town Hall. King City representatives were invited to this meeting.

- > JOINT MEETING- TIGARD TUALATIN SCHOOL DIST/CITY OF TUALATIN

Mr. Monahan reminded Council of the Joint Meeting with the Cities of Tigard and Tualatin and Tigard/Tualatin School District on Monday, November 15, to begin either at 6 or 6:30 p.m. The meeting will be hosted by the School District.

- > MADE A DIFFERENCE DAY OCTOBER 16, 2004

Mr. Monahan stated a flyer is included in the packet about this event. Councilors were requested to RSVP if they are able to attend. Ms. Newton noted the Youth Advisory Forum will be involved in this event.

> LEAGUE OF OREGON CITIES – DESIGNATION OF VOTING DELEGATE

Councilor Sherwood was designated to be Tigard's voting delegate as she is the only current councilor scheduled to attend the League of Oregon Cities meeting in November.

> NW MEDICAL TEAMS LETTER

Mayor Dirksen stated the NW Medical Teams head office is now located in Tigard and the organization is celebrating its 25th anniversary this fall with a special dinner. Councilors are invited to attend. He will provide information relating to the date and location. Councilor Sherwood indicated she would like to attend but would pay for her own tickets.

> CITY RECORDER POSITION

Mr. Monahan noted City Recorder Cathy Wheatley has indicated her intent to return from her leave of absence December 6, but is asking to reduce her hours to 28 hours a week and to redistribute some of her responsibilities. Previously Ms. Wheatley was part of Administration but it is proposed she be moved to Office Services and work under the direction of Nadine Robinson, Office Services Manager. After Finance moves to City Hall, he is proposing that some of his administrative support be provided by Finance. There are more details to be worked out. By Charter, the City Recorder works directly for the Council which is why this was being discussed. He asked if Council had any objection to this arrangement.

Councilor Sherwood asked if Ms. Wheatley would be able to do her work with only 28 hours a week.

Mr. Monahan explained she will try this arrangement, but there are times when adjustments may be required.

The Council agreed with Ms. Wheatley's request to work 28 hours a week as City Recorder.

> BALLOT BOX

Mr. Monahan stated a temporary ballot box will be installed later this week to be located in the island located in the area where the skatepark is proposed. The intent is for traffic to come off Hall Blvd., turn right into the public parking area to the box, and then exit onto Burnham Road. The City did not

want the box located in the circular driveway. The intent is to find a permanent location later.

> **TIM RAMIS' LETTER REGARDING CONFLICT OF INTEREST**

Mr. Monahan stated this discussion is a result of Alice Ellis Gaut's comments at the September 28 Council Meeting during the Visitor's Agenda regarding Mr. Ramis' letter concerning the Goal 5 process. Mr. Ramis was representing a client and the concern was whether the comments on behalf of his other client might conflict with his responsibilities as Tigard's City Attorney.

Mr. Ramis stated he understood that some might feel there was a conflict, but in fact the letter on behalf of another client was actually in support of the City's position to forward Councilor Wilson's letter to the Tualatin Basin Natural Resources Steering Committee relating to Goal 5. He contacted the State Bar to be sure they did not feel there was a violation or perceived conflict of interest, which they did not. He explained he has served as legal counsel for other jurisdictions, and there have been times when the interests of private clients were in conflict with representing the municipality. In those cases, there are reciprocal agreements in place with other attorney's to represent the municipality. He urged the Council that if they ever feel there a question about a perceived conflict of interest or a legal problem, to notify him immediately. He also noted the city's interest comes before his representation of private clients.

Councilor Wilson stated he did not feel this was an issue when he first saw Mr. Ramis' letter to the Steering Committee, but a citizen had asked Council to review the matter.

Councilor Sherwood agreed she did not feel this was an issue. She understood how someone might not understand and have concerns. She appreciated the explanation.

At the request of Council, Mayor Dirksen stated he would make a statement for the official record during the Business Meeting under the Visitor's Agenda, to state Council had discussed this concern with Mr. Ramis and did not find any legal or ethical violation at this time, but recognized there was a possibility of a perception of a conflict of interest. The Council will take future action to consider possible conflict issues and providing a clearer directive regarding future potential conflicts of interest.

> LEAGUE OF OREGON CITIES PRESS RELEASE REGARDING QWEST

Craig Prosser, Finance Director, announced the US District Court, Ninth Court of Appeals, rendered its decision this morning regarding the case of Qwest Corporation vs. the City of Portland. Arguments were made last November. There are questions about the Tigard's franchise ordinance which are based on gross revenues. Portions of the decision were upheld while other issues were remanded back to the US District Court. Additional discussion will take place during the Executive Session.

> ADMINISTRATIVE ITEMS

a. Calendar Review

- October 14: City Hall Day 7:00 pm at Town Hall
- October 16: Make a Difference Day – 9 am to noon
- October 19: City Council Workshop Meeting – 6:30 pm
- October 26: City Council Business Meeting – 6:30 pm
- November 4-6: LOC Conference – Marriott Hotel downtown Portland
- November 9: City Council Business Meeting – 6:30 pm

- The Study Session was recessed at 6:53 p.m. to go into Executive Session.
- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss potential litigation under ORS 192.660(2)(h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- The Study Session was reconvened at 7:04 p.m. after the Executive Session.

> RESPONSE TO JOHN FREWING REGARDING TIGARD/WASHINGTON COUNTY PLANNING ISSUES

Mr. Monahan noted Community Development Director Jim Hendryx had prepared a letter to Mr. Frewing in response to concerns raised during the Visitor's Agenda at the September 28, 2004 Council Meeting regarding several planning issues. A copy of the Intergovernmental Agreement with Washington County is attached to the letter which details both Washington County and Tigard's responsibility in the Metzger area which Mr. Frewing had

questioned. He will present comments during the Business Meeting under Visitor's Agenda concerning this response.

Study session recessed at 7:10 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Dirksen called the Council and Local Contract Review Board Meeting to order at 7:30 p.m.
- 1.2 Roll Call: Mayor Dirksen, Councilors Moore, Sherwood, Wilson were present. Councilor Woodruff was excused.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports - None
- 1.5 Call to Council and Staff for Non-Agenda Items - None

2. VISITOR'S AGENDA

- Nikki Pham, Tigard High School Student Envoy, told the Council about various activities and information related to the high school. Ms. Pham distributed a handout (Agenda Item No. 2, Exhibit 1), which is on file in the City Recorder's office.
- Chamber Representative Dan Murphy updated the Council on Tigard Area Chamber of Commerce activities.
- Response to Alice Ellis Gaut's Comments and Letter made at the September 28, 2004 meeting.

Mayor Dirksen stated Alice Ellis Gaut had submitted a letter in which she raised concerns in reference to a letter written by City Attorney Tim Ramis on behalf of another client regarding Metro's Goal 5 Process and Goals. A copy of Mr. Ramis' letter had been given to the Councilors. The Council discussed this matter with Mr. Ramis during the Study Session and found no legal or ethical violation at this time, but recognized the possibility of a perception of conflict of interest, or a future conflict if the City becomes involved in litigation as a result of future Goal 5 legislation. Recognizing that the City Attorney may lack sufficient guidelines and official direction from the City Council, the City Council will take further action to consider possible conflict issues, with the intent to providing the City Attorney with a clearer directive regarding future potential conflicts of interest.

- Response to Comments made by John Frewing at the September 28, 2004 during the Visitor's Agenda.

Mr. Monahan stated Community Development Director Jim Hendryx's letter had been given to Mr. Frewing regarding the Tigard/Washington County intergovernmental agreement relating to planning issues in the Metzger area. A copy of the agreement was attached to the letter. (Agenda Item #2, Exhibit 2)

- Alice Ellis Gaut, 10947 SW Chateau Lane, Tigard, requested Council to support a resolution urging voters to vote "No" on the State Ballot Measure 37, "Governments Must Pay Owners, or Forego Enforcement, when Certain Land Use Restrictions Reduce Property Values." She pointed out the measure, if approved by the voters, would cause financial havoc on cities, counties and the State.
- Gretchen Buehner, 17249 SW 136th Place, Tigard, requested the City consider an ordinance to regulate abandoned vehicles and equipment from being abandoned mainly along Fanno Creek from residential, commercial, and industrial users, which cause pollution to the stream. She had checked with Christine Darnell, City Code Enforcement Officer, who indicated there was nothing in the City's code that regulates abandoned vehicles or equipment along the streambed.

Councilor Moore suggested the staff check existing City Code as well as regulations in place by other jurisdictions such as Clean Water Services. He thought the City Code regulated abandoned vehicles.

Mr. Monahan indicated he would ask Community Development Director Jim Hendryx to check into this.

- Phil Decker, 14540 SW 148th Place, Tigard, stated he recently purchased his home on Bull Mountain and just heard about the possible annexation of the area to Tigard as well as the process the City followed to put this measure on the November ballot. After a 15 minute search of the Oregon Revised Statutes, he found where the original single majority proposal of ORS 195 was not allowed to be used in the Portland Metropolitan area. This is something the City Manager, the City Attorney, staff and Council should have been aware of, and therefore he did not want to be part of a city whose officials were not aware of state laws and regulations.

Mayor Dirksen reviewed the process the City has followed for the past year or so, originally considering the ORS 195 process. He noted there is a conflict in the statutes regarding ORS 195 and ORS 222, and both the League of Oregon Cities

and the Association of Oregon Counties would be urging the Legislature to clarify the statutes during the upcoming legislative session.

- Holly Shumway, 14535 SW Woodhue, stated one of the frustrations she has with the proposed annexation is that if the annexation is approved, the residents of the Bull Mountain area would not be able to vote for Councilors for another two years.

Mr. Ramis explained the City Charter provides when elections are held.

Mr. Monahan noted the City Council cannot change the Charter. Either the Council or citizens through an initiative process could propose a change in the charter.

Mayor Dirksen recalled the Bull Mountain annexation was originally considered in December 2003 which would have placed this matter on the March 2004 ballot. If it had been placed on the March 2004 election and been approved, residents of the Bull Mountain area would have been able to run for Mayor and Council and vote on those candidates at this November's election. At the request of citizens, Council deferred placing the issue on the ballot in order to conduct the White Paper studies.

Ms. Shumway replied the additional information from the White Papers was needed, but residents of the area feel this process was being steamrolled on Bull Mountain residents by Tigard. Residents feel they are excluded from the decision-making process because of the timing of this measure.

3. **CONSENT AGENDA:** Motion by Councilor Wilson, seconded by Councilor Sherwood, to approve the Consent Agenda items:

3.1 Approve Council Minutes for September 14, 2004

3.2 Receive and File

a. Council Calendar

b. Tentative Agenda

3.3 Resolution No. 04-70 – A RESOLUTION OF THE TIGARD CITY COUNCIL SUPPORTING APPLICATIONS FOR FEDERAL ASSISTANCE FOR CONSTRUCTING SIDEWALK AND RELATED IMPROVEMENTS ON VARIOUS STREETS WITHIN LOW-MODERATE INCOME AREAS OF THE CITY.

3.4 Resolution No. 04-71 – A RESOLUTION APPROVING BUDGET AMENDMENT #2 TO THE FY 2004-05 BUDGET TO ACCEPT AND EXPEND US DEPARTMENT OF JUSTICE GRANT FUNDS FOR THE "DARE TO BE GREAT" SUMMER CAMPS

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

4. DISCUSSION OF BULL MOUNTAIN RESOLUTIONS TO CONFIRM THE CITY COUNCIL'S COMMITMENTS THAT WOULD OCCUR UPON ANNEXATION

a. Staff Report

Mr. Monahan presented the staff report and explained Council, during the Bull Mountain Annexation process, had commented they were committed to identifying how city services would be provided to the Bull Mountain area upon annexation. The Ballot Measure is on the ballot on November 2. Recently the Council directed staff to prepare the seven resolutions to confirm to voters how some city services will be provided to the Bull Mountain area. The resolutions cover the following areas:

- Capital Improvement Projects and Funding;
- Comprehensive Planning;
- Identifying open spaces and park lands to serve the Bull Mountain area;
- Hiring additional police personnel and providing training in advance of the effective date of annexation;
- Commitment of Parks System Development Funds (SDC's) collected on Bull Mountain to serve the area;
- Phasing in of taxation;
- Recognizing the Bull Mountain area as a neighborhood with a unique identity in a revised city-wide neighborhood program.

Councilor Wilson requested Mayor Dirksen to review each resolution in more detail.

Mayor Dirksen reviewed the commitments made in each resolution should the annexation be approved. (Note the resolution number was added after all the resolutions were discussed.)

No.	Subject	Mayor Dirksen's Explanation
04-72	Reaffirmation of Phase-in of Taxes as stated in Ballot Measure	There will be a slight net decrease in taxes the first year with the elimination of the taxes for the Washington Enhanced Sheriff's District and the Road Maintenance District. The permanent City of Tigard tax rate is \$2.5131 per \$1,000 assessed value. Councilor Wilson noted utility taxes and SDC's were not included in the tax phase in.
04-73	Recognizing Bull Mountain areas as neighborhood with unique identity	Throughout the annexation hearings, Council received testimony that Bull Mountain area was a unique neighborhood. The City is looking at a future program of identifying unique neighborhoods throughout City.
04-74	Immediately hire and train eleven police officers beginning in January 2005	The hiring and training of police officers will take 12-15 weeks. Police officers would be able to begin serving the Bull Mountain area July 1 with the same Level 1 service level received by the rest of the city residents, which is four minutes of less.
04-75	Begin aggressive search of potential park land in January 2005	City recognizes the Bull Mountain area lacks park area. The search would be to find property for a third city anchor park in the Bull Mountain area.
04-76	Assume responsibility from Washington County for Comprehensive Planning of Bull Mountain Area	The City will begin its comprehensive plan review process in January 2005. If the Bull Mountain annexation is approved, that area would be incorporated at the beginning of the whole process. The Comprehensive Plan was last updated in 1984, and several modifications have been approved each year since then. If the Ballot Measure is approved, the area would not be legally within the city until July 1, 2005. Residents of the Bull Mountain area would be appointed to serve on all the citizen task forces relating to the comprehensive plan revision in addition to existing city residents.

04-77	Commit average of at least 30% of Capital Improvement Funds to projects in the Bull Mountain area for at least the next five years	While the Bull Mountain area is part of Washington County, capital improvements have not taken place in the area, particularly in the areas of streets and parks. The area is vastly underserved. If the Bull Mountain area is annexed, the population of the Bull Mountain area would represent between 15% and 17% of the City's population. The City is willing to double the amount of Capital Improvement Funds to 30% to be used on capital improvement projects in the Bull Mountain area for the next five years. After five years, projects would compete with other capital improvement projects in the rest of the city.
04-78	Allocate System Development Charges (SDC's) collected in Bull Mountain area to park and open space projects in the Bull Mountain area	City recognizes the need for parks in the Bull Mountain area. This would dedicate all Parks SDC's collected from development in the Bull Mountain area to parks and open space in the Bull Mountain area.

b. Council Discussion

Mayor Dirksen stated Councilor Woodruff is out of town and had sent a message asking to go on record that he had reviewed the proposed resolutions, which he supports, and asked if the record could indicate his "Aye" vote in order for the resolutions to pass by a unanimous vote. Mayor Dirksen noted that the record could not indicate Councilor Woodruff's "Aye" vote, because the councilor has to either be physically present or participating by telephone for votes to be recorded.

Councilor Wilson stated Council is committed to providing city services to the Bull Mountain area upon annexation. These resolutions states what will happen after annexation. Council took the initiative to bring these forward at this time.

Councilor Sherwood noted Council had stated during the annexation process they would come back with commitments to the citizens. These comments were not just a lot of hot air made at the time, but Councilors were now honoring the comments made in August.

Councilor Moore stated the Council had indicated its intention during the annexation hearings that it would come back sometime this fall with statements relating to service commitments to residents of the Bull Mountain area.

Mayor Dirksen stated he had proposed most of these resolutions to Council. He pointed out some people may question the timing of these resolutions, but these resolutions are a commitment made by Council during the annexation process. It would have been inappropriate to make these at the time the annexation measure was forwarded to the Ballot.

Upon motion of Commissioner Sherwood, seconded by Councilor Wilson, TO APPROVE RESOLUTION NO. 04-72 - A RESOLUTION OF THE TIGARD CITY COUNCIL CONFIRMING THE COMMITMENT OF A THREE YEAR PHASE-IN OF TAXES FOR BULL MOUNTAIN RESIDENTS UPON ANNEXATION OF THE BULL MOUNTAIN AREA.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Upon motion of Commissioner Wilson, seconded by Councilor Sherwood, TO APPROVE RESOLUTION NO. 04-73 - A RESOLUTION OF THE TIGARD CITY COUNCIL CONFIRMING THE COMMITMENT OF RECOGNIZING THE BULL MOUNTAIN AREA AS A NEIGHBORHOOD WITH A UNIQUE IDENTITY IN A REVISED NEIGHBORHOOD PROGRAM.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Upon motion of Commissioner Sherwood, seconded by Councilor Wilson, TO APPROVE RESOLUTION NO. 04-74 - A RESOLUTION OF THE TIGARD CITY COUNCIL CONFIRMING THE COMMITMENT OF THE IMMEDIATE HIRE OF ELEVEN POLICE OFFICERS UPON ANNEXATION OF THE BULL MOUNTAIN AREA.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Upon motion of Commissioner Wilson, seconded by Councilor Sherwood, TO APPROVE RESOLUTION NO. 04-75 - A RESOLUTION OF THE TIGARD CITY COUNCIL CONFIRMING A COMMITMENT TO AN AGGRESSIVE SEARCH OF POTENTIAL PARK LAND PURCHASES UPON ANNEXATION OF THE BULL MOUNTAIN AREA.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Upon motion of Commissioner Sherwood, seconded by Councilor Wilson, TO APPROVE RESOLUTION NO. 04-76 - A RESOLUTION OF THE TIGARD CITY COUNCIL CONFIRMING THE COMMITMENT TO ASSUME RESPONSIBILITY FROM WASHINGTON COUNTY FOR THE COMPREHENSIVE PLANNING OF THE BULL MOUNTAIN AREA UPON ANNEXATION OF THE BULL MOUNTAIN AREA AND INCLUDE THE BULL MOUNTAIN AREA IN THE CITY'S COMPREHENSIVE PLANNING PROCESS THAT WILL BE INITIATED IN JANUARY 2005.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Upon motion of Commissioner Moore, seconded by Councilor Wilson, TO APPROVE RESOLUTION NO. 04-77 - A RESOLUTION OF THE TIGARD CITY COUNCIL CONFIRMING THE COMMITMENT OF AN AVERAGE OF AT LEAST 30% OF CAPITAL IMPROVEMENT FUNDS TO PROJECTS IN THE BULL MOUNTAIN AREA FOR FIVE YEARS UPON ANNEXATION OF THE BULL MOUNTAIN AREA.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Upon motion of Commissioner Sherwood, seconded by Councilor Wilson, TO APPROVE RESOLUTION NO. 04-78 - A RESOLUTION OF THE TIGARD CITY COUNCIL CONFIRMING THE COMMITMENT TO ALLOCATE PARK SYSTEMS DEVELOPMENT CHARGES COLLECTED AFTER ANNEXATION OF THE BULL MOUNTAIN AREA TO PARK AND OPEN SPACE LAND ACQUISITION ON BULL MOUNTAIN.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

5. DISTINGUISHED BUDGET AWARD

Mr. Prosser stated the Government Finance Officers Association sponsors a Distinguished Budget Presentation Award, which is intended to encourage jurisdictions to adhere to the highest principles in developing their governmental budgets. In order to qualify for the award, jurisdictions must satisfy nationally recognized guidelines for the presentation of budgetary information in 27 categories. His goal has been, and continues to be, to improve in all categories. The City received an "outstanding" rating in 15 of the 27 categories. His goal is to receive "outstanding" in even more categories. The city has received this award for 17 consecutive years.

Mr. Prosser recognized members of the Finance Department who work on this annual document, including Tom Imdieke, Michelle Wareing, Heather Block and Maureen Denny.

Mr. Prosser presented the Distinguished Budget Presentation Award to Mayor Dirksen.

6. LIBRARY OPERATIONS UPDATE

Margaret Barnes, Library Director, introduced Library Board members Jan Thenell and David Burke. She reviewed some statistics relating to hours of operation, number of cards issued and circulation since 2003.

Mr. Burke stated many of his friends and members of his family compliment him on the new library building as if he had personally built it. Concerned friends and family have expressed their concern about the current hours of operation however.

Ms. Thenell discussed the need for more resources in order to expand the operating hours. The Board has been working on a strategic plan this year for the library to be more involved in the community and to be a neighborhood player. One component is to get more involvement by members of the community, from parents of pre-school students, teenagers, seniors, job seekers, and many others.

Mayor Dirksen stated Council appreciates the concerns relating to funding and hours of operation. The Washington County Commissioners did not place the library levy on the ballot for November 2004, and WCCLS cut the supplements to cities when the last levy ended in June. The Board and Council did not have city funds to maintain the same number of hours as they had with the levy funds. He had noticed the Young Adult's Room at the new Library is used by teens to do homework and just hang out.

Ms. Barnes noted there has been a large increase of people coming to the new library since the new library opened in August. With the allocation of some funds from the Hotten bequest, the hours were increased to 54 hours a week for the 12-week period beginning with the opening of the Library to the first of November. The staff and board are working on a five-year strategic plan for the library and invite comments and suggestions from patrons. They are trying to find creative ways to meet this public need.

Mr. Monahan reviewed the background of the past two library levies the Washington County Commissioners put on the ballot last year. Curtis Tigard gave permission for the City to use part of the money from the bequest his sister, Grace Tigard Hotten, gave to the City to keep the library open longer hours after the Library opened in August.

Ms. Thenell stated the Library is probably the busiest place in the City, receiving a high volume of traffic.

7. TUALATIN RIVER TRAIL EASEMENT & PEDESTRIAN BRIDGE UPDATE

a. Staff Report:

Duane Roberts, Associate Planner in Community Development, pointed out the location of the Tualatin River Trail Easement on an aerial photo. He noted

the environmental buffer area has increased from 25 feet to 125 feet over a period of several years. There is an existing easement from Clean Water Services for the trail easement, but in order to construct the trail, the old easement will have to be released and a new easement given. Mr. Roberts then reviewed PowerPoint slides to show some of the existing path/trail area.

Dan Plaza, Parks Manager, provided an update on the status of the Pedestrian Bridge. This will be the first pedestrian-only bridge over the Tualatin River. The City of Tualatin took the lead on this project with Justin Patterson of Tualatin being the lead person. Mr. Patterson has worked with David Evans and Associates who is the consultant on the bridge design. The construction estimate was short by \$220,000, and Mr. Patterson then worked with the State Department of Transportation to secure approval of additional funding. The project requires a local match, to be split between the Cities of Tigard, Tualatin and Durham. Mr. Plaza distributed a handout entitled "Matching Funds Distribution," (Agenda Item 7, Exhibit 1) which shows that Tigard's contribution will be \$250,125, Tualatin's contribution of \$160,000, and Durham's contribution of \$10,000. Tualatin's share is smaller because their staff has done so much of the work on this. The source of Tigard's share will come from the County MSTIP (\$192,597) and Parks SDC's (\$57,528).

Mr. Roberts stated the action staff is recommending at this time only is to authorize the City Manager to execute the Release of the Easement. Later there will be a formal agreement on costs and Clean Water Services will execute a new easement.

b. Council Discussion

Councilor Wilson asked if the trail had been physically staked on the ground in order to take trees and topography into account.

Mr. Roberts responded that it had, and the wiggles on the drawings show the location of trees and topography constraints.

Upon motion of Councilor Moore, seconded by Councilor Sherwood, TO
AUTHORIZE THE CITY MANAGER TO EXECUTE THE RELEASE OF
EASEMENT REGARDING THE TUALATIN RIVER TRAIL EASEMENT.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

8. CONTIGUOUS ANNEXATION

a. Staff Report

Jim Hendryx, Community Development Director, stated this item is a follow-up to Council's discussion at its September 21 work session. He then reviewed the four points Council had directed which would memorialize their decision as follows:

- Tigard will continue to process requests to annex properties that are contiguous to the City limits.
- The double majority method will not be used to bring in additional properties as part of these annexations, even if doing so creates a more uniform boundary.
- Where properties adjacent to those requesting annexation have previously signed consents to annex, those consents will be processed concurrently. If consents to annex are submitted after the property becomes contiguous to the City limits, annexation will be processed immediately.
- Tigard will not proceed with island annexations on a case-by-case basis unless further directed by Council. (NOTE: See below for revised language.)

b. Council Discussion

The Council discussed the various points. Council concurred to make the following change to the last point:

- Tigard will [not] only proceed with island annexations on a case-by-case basis unless further directed by Council.

Mr. Hendryx explained the City is not able to approve any annexation requests for 60 days prior to or 1 day after an election. There are annexations scheduled before Council on December 9, well after the November election.

The Council **CONCURRED** with the direction as outlined and with the change to the fourth point. No formal action was required.

9. CONSIDERATION OF A POLICY TO ESTABLISH A RESIDENTIAL SERVICE AGENCY EMERGENCY FUND

a. Staff Report

Liz Newton, Assistant to the City Manager, presented the staff report and indicated this was a follow-up to the Council's August 17 workshop meeting regarding the establishment of a policy regarding the proposed Residential Services Agency Emergency Fund. The policy provides the fund not exceed 5% of the total allocated for social service grants, with funds to be used for emergencies only. If Council approves the policy, there will need to be a budget amendment to appropriate the funds for this fiscal year, and any unused funds will be returned to the general fund at the end of the year and not carried over to the next year.

b. Council Discussion

Councilor Sherwood noted she concurs with the proposed policy to allocate emergency funds.

Councilor Moore asked where the amount is stated in the resolution. Ms. Newton replied it is on the last line of item 1 of the proposed policy.

Mayor Dirksen agreed this has been rarely used in the past, but the funds would be available for a true emergency under the guidelines of the policy.

c. Upon motion of Councilor Sherwood, seconded by Councilor Wilson, TO APPROVE RESOLUTION NO. 04-79 – A RESOLUTION OF THE TIGARD CITY COUNCIL APPROVING A POLICY TO ESTABLISH A RESIDENTIAL SERVICES AGENCY EMERGENCY FUND.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes


10. COUNCIL LIAISON REPORTS - None

11. NON AGENDA ITEMS - None

12. ADJOURNMENT – Mayor Dirksen adjourned the meeting at 9:07 p.m.


Jane McGarvin, Deputy City Recorder

Attest:


Mayor, City of Tigard

Date: October 26, 2004